

FEDERAL SECURITY AGENCY**FOOD AND DRUG ADMINISTRATION****NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

7501-7700**FOODS**

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., June 7, 1945.

CONTENTS

	Page		Page
Cereals and cereal products.....	1	Eggs.....	26
Alimentary pastes.....	1	Fish and shellfish.....	32
Bakery products.....	3	Flavors and spices.....	34
Flour.....	5	Fruits and vegetables.....	36
Miscellaneous cereal products.....	12	Canned and dried fruits.....	36
Chocolate, sugars, and related products.....	18	Fresh fruits.....	37
Candy.....	18	Miscellaneous fruit products.....	39
Chocolate and cocoa products.....	20	Vegetables.....	41
Sirups and sugar.....	21	Tomatoes and tomato products.....	46
Dairy products.....	24	Nuts and nut products.....	49
Butter.....	24	Oils and fats.....	53
Cheese.....	26	Miscellaneous food products.....	54
Miscellaneous dairy products.....	28	Index.....	56

CEREALS AND CEREAL PRODUCTS**ALIMENTARY PASTES***

7501. Adulteration of egg noodles. U. S. v. Nellie E. Lyon (Mrs. Kelley's Noodle Kitchen). Plea of guilty. Fine, \$200 on each of 2 counts; sentence on count 2 suspended. (F. D. C. No. 11431. Sample Nos. 1457-F, 1458-F, 59428-F.)

INFORMATION FILED: July 18, 1944, Southern District of Ohio, against Nellie E. Lyon, trading as Mrs. Kelley's Noodle Kitchen, Dayton, Ohio.

ALLEGED SHIPMENT: Between the approximate dates of September 14 and November 13, 1943, from the State of Ohio into the States of Indiana and Michigan.

LABEL, IN PART: "Perfect's * * * Brand * * * Egg Noodles * * *
Packed for A. H. Perfect & Co. Inc. Ft. Wayne, Ind. Sturgis, Mich."

VIOLATIONS, CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, fragments of hairs resembling rodent hairs, and rodent hair frag-

*See also No. 7698.

ments; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 30, 1944. A plea of guilty having been entered, the defendant was fined \$200 on each of 2 counts. The sentence on the second count was suspended, making a total fine of \$200.

7502. Adulteration of egg noodles. U. S. v. 293 Cases of Noodles. Default decree of condemnation. Product ordered delivered to a Federal institution, for use as hog feed. (F. D. C. No. 13854. Sample No. 81879-F.)

LABEL FILED: On or about October 3, 1944, District of Connecticut.

ALLEGED SHIPMENT: July 28 and August 14 and 26, 1944, by Meyer's Egg Noodle Co., from Glendale, Long Island, N. Y.

PRODUCT: 117 cases, each containing 24 8-ounce cellophane bags, 67 cases, each containing 12 12-ounce cellophane bags, and 109 cases, each containing 12 1-pound cellophane bags, of noodles, at West Haven, Conn.

LABEL, IN PART: (Bags) "Dutch Maid * * * Pure Egg Noodles * * * Distributed by Pfrang, Inc. West Haven, Conn."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as hog feed.

7503. Adulteration and misbranding of egg noodles. U. S. v. 12 Cases and 6 Cases of Egg Noodles (and 1 other seizure action against egg noodles). Default decrees of condemnation. Portion of product ordered delivered to charitable institutions; remainder ordered destroyed. (F. D. C. Nos. 12853, 13848. Sample Nos. 81611-F, 81615-F to 81617-F, 81880-F.)

LABEL FILED: On or about July 5 and October 3, 1944, District of New Jersey and District of Connecticut.

ALLEGED SHIPMENT: From on or about April 13 to August 29, 1944, by the Chasin Noodle Co., from Brooklyn, N. Y.

PRODUCT: 65 dozen 16-ounce packages and 86 dozen 8-ounce packages of egg noodles, 52 12-pound cartons of egg noodles and spaghetti, and 14 12-pound cartons of egg noodles and spaghetti, at Jersey City, N. J.; and 12 cases, each containing 24 8-ounce cartons, and 6 cases, each containing 12 1-pound cartons, of egg noodles at Bridgeport, Conn.

This product contained 2 percent or less of egg solids. Egg noodles, according to trade and consumer understanding, contain 5.5 percent of egg solids.

LABEL, IN PART: "Chasin's Pure Egg Noodles."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, eggs, had been in whole or in part omitted from the article; and (portion), Section 402 (b) (2), alimentary pastes deficient in egg solids had been substituted in whole or in part for pure egg noodles or pure egg noodle product, which the article was represented to be.

Misbranding, Section 403 (a), the names, "Pure Egg Noodles," "Pure Egg Noodles and Semolina Spaghetti * * * Barley," "Pure Egg Noodles and Semolina Spaghetti * * * Toasted Barley," and "Pure Egg Noodles and Semolina Spaghetti * * * Flakes," were false and misleading as applied to alimentary pastes which were deficient in egg solids; and (portion), Section 403 (b), the products were offered for sale under the name of another food.

DISPOSITION: October 16 and December 4, 1944. No claimant having appeared, judgments of condemnation were entered and the lot at Bridgeport, Conn., was ordered delivered to a charitable institution after withdrawal of samples by the Food and Drug Administration, and the lot at Jersey City was ordered destroyed.

7504. Misbranding of egg noodle and cheese dinner. U. S. v. 19 Cases of Egg Noodle and Cheese Dinner. Default decree of condemnation. Product ordered delivered to public institutions. (F. D. C. No. 14386. Sample No. 74349-F.)

LABEL FILED: November 14, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about October 12, 1944, by the Superior Macaroni Co., Los Angeles, Calif.